

Appl. No. : 09/221,931  
Filed : December 28, 1998

shown in Figure 2 as well as the Examples, especially Examples 2, 4 and 5, that the present specification teaches a method of inhibiting telomerase activity where the concentration of the catechin is at least 10  $\mu$ M.

In view of Applicants' arguments, withdrawal of this ground of rejection is respectfully requested.

**Rejection under 35 U.S.C. § 102(b)**

Claims 11, and 17-20 are rejected under 35 U.S.C. § 102(b) as anticipated by JP 4264027.

The Examiner asserts that the cited reference teaches catechins obtained from green tea extracts to prevent development of colon cancer. The reference teaches that the catechins were purified from green tea to 93% purity and that the preferred concentration of catechins was 0.05 - 0.7%. The Examiner uses a molecular weight of 290.3 to calculate that 10  $\mu$ M is equivalent to 0.29%. Consequently, the Examiner concludes that 10  $\mu$ M is within the range taught by the reference.

In order to have anticipation, all of the elements of the claimed invention must be taught by the cited reference. In the present case, they are not.

The reference teaches nothing regarding a catechin concentration to inhibit telomerase activity. Furthermore, the reference teaches a mixture of six (6) different catechins. The concentration of each catechin in the mixture is not set forth. Furthermore, it is not clear what concentration of catechin effectively reaches the cells. Consequently, it is impossible to determine what concentration of catechin should be applied to the cells in order to obtain inhibition of telomerase activity. In contrast, present claim 1 recites contacting cells exhibiting telomerase activity with a catechin at a concentration of at least 10  $\mu$ M.

Furthermore, as the reference discloses six (6) different catechins, it is not correct to use a single molecular weight in order to determine the wt% corresponding to the 10  $\mu$ M limit which is set forth in Applicants' claim 1. For example, the molecular weight of EGCG used in the examples is 458.3. 10  $\mu$ M EGCG corresponds to 0.000458% which is neither taught nor suggested by the reference.

Furthermore, claims 18, 20, and 21 each recite either specific catechins or higher concentrations of catechins which are clearly outside the range of the reference. Claims to a

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specific catechin are not anticipated by a reference teaching a combination of catechins in undisclosed proportions.

In view of Applicants' arguments, reconsideration and withdrawal of this ground of rejection is respectfully requested.

### CONCLUSION

In view of the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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